

SENATE BILL No. 196

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-14.

Synopsis: Election fraud. Changes the classification of certain crimes relating to elections from a Class D felony to a Class C felony.

Effective: July 1, 2006.

Mrvan

January 9, 2006, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 114th General Assembly (2006)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2005 Regular Session of the General Assembly.

SENATE BILL No. 196

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-14-2-9 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2006]: Sec. 9. A person who knowingly votes
3 or offers to vote at an election when the person is not registered or
4 authorized to vote commits a ~~Class D~~ **Class C** felony.
- 5 SECTION 2. IC 3-14-2-11 IS AMENDED TO READ AS
6 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. Except as provided
7 by IC 3-10-10, IC 3-10-11, or IC 3-10-12, a person who knowingly
8 votes or offers to vote in a precinct except the one in which the person
9 is registered and resides commits a ~~Class D~~ **Class C** felony.
- 10 SECTION 3. IC 3-14-2-13, AS AMENDED BY P.L.103-2005,
11 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2006]: Sec. 13. A person who knowingly hires or solicits
13 another person to go into a precinct for the purpose of voting at an
14 election at the precinct when the person hired or solicited is not a voter
15 in the precinct commits a ~~Class D~~ **Class C** felony.
- 16 SECTION 4. IC 3-14-2-14 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. A precinct election



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officer or public official upon whom a duty is imposed by this title who knowingly:

- (1) allows a person to vote who is not entitled to vote; or
 - (2) allows a person to vote by use of an unauthorized procedure;
- commits a ~~Class D~~ **Class C** felony.

SECTION 5. IC 3-14-2-15, AS AMENDED BY P.L.103-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. A member, an employee, or an agent of a county election board who knowingly delivers a ballot to a person except in the manner prescribed by this title commits a ~~Class D~~ **Class C** felony.

SECTION 6. IC 3-14-2-16, AS AMENDED BY P.L.103-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. A person who knowingly does any of the following commits a ~~Class D~~ **Class C** felony:

- (1) Applies for or receives a ballot in a precinct other than that precinct in which the person is entitled to vote.
- (2) Except when receiving assistance under IC 3-11-9, shows a ballot after it is marked to another person in such a way as to reveal the contents of it or the name of a candidate for whom the person has voted.
- (3) Except when offering assistance requested by a voter in accordance with IC 3-11-9, examines a ballot that a voter has prepared for voting or solicits the voter to show the ballot.
- (4) Receives from a voter a ballot prepared by the voter for voting, except:
 - (A) the inspector;
 - (B) a member of the precinct election board temporarily acting for the inspector;
 - (C) a member or an employee of a county election board (acting under the authority of the board and state law) or an absentee voter board member acting under IC 3-11-10; or
 - (D) a member of the voter's household, an individual designated as attorney in fact for the voter, or an employee of:
 - (i) the United States Postal Service; or
 - (ii) a bonded courier company;
 (acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.
- (5) Receives a ballot from a person other than one of the poll clerks or authorized assistant poll clerks.

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- (6) Delivers a ballot to a voter to be voted, unless the person is:
- (A) a poll clerk or authorized assistant poll clerk; or
 - (B) a member of a county election board or an absentee voter board acting under IC 3-11-10.
- (7) Delivers a ballot (other than an absentee ballot) to an inspector that is not the ballot the voter receives from the poll clerk or assistant poll clerk.
- (8) Delivers an absentee ballot to a team of absentee ballot counters appointed under IC 3-11.5-4-22, a county election board, a circuit court clerk, or an absentee voting board under IC 3-11-10 that is not the ballot cast by the absentee voter.
- (9) Delivers an absentee ballot prepared by the voter for voting to a county election board, except for:
- (A) the inspector;
 - (B) a member of the precinct election board temporarily acting for the inspector;
 - (C) a member or an employee of a county election board (acting under the authority of the board and in accordance with state law) or an absentee voter board member acting under IC 3-11-10; or
 - (D) a member of the voter's household or an individual designated as attorney in fact for the voter, an employee of:
 - (i) the United States Postal Service; or
 - (ii) a bonded courier company;
 (acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot under IC 3-11-10-1.
- (10) Possesses an unmarked absentee ballot on or before the date of the election for which the absentee ballot has been printed, unless the person is authorized to possess the absentee ballot under this title as any of the following:
- (A) A printer, when arranging for the delivery of unmarked absentee ballots to a county election board under IC 3-11-2.
 - (B) A county election board member or employee (acting under the authority of the board and in accordance with state law).
 - (C) An absentee voter board member.
 - (D) An employee of:
 - (i) the United States Postal Service; or
 - (ii) a bonded courier company;
 (acting in the individual's capacity as an employee of the

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United States Postal Service or a bonded courier company) when delivering an envelope containing an absentee ballot.

(E) An individual authorized under IC 3-11-10-24 to deliver an absentee ballot.

(F) An absentee ballot counter under IC 3-11.5.

(G) A provisional ballot counter.

(H) A precinct election officer.

(I) The voter who applied for the absentee ballot.

(11) Completes or signs an absentee ballot application for a voter, or assists a voter in completing an absentee ballot application in violation of IC 3-11.

SECTION 7. IC 3-14-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. A voter at an election who knowingly writes or places on a ballot a name, sign, or device as a distinguishing mark by which to indicate to any other person how the voter has voted commits a ~~Class D~~ **Class C** felony.

SECTION 8. IC 3-14-2-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. A person who knowingly:

(1) deceives a voter in registering the voter's vote under IC 3-11-8; or

(2) registers a voter's vote in a way other than as requested by the voter;

commits a ~~Class D~~ **Class C** felony.

SECTION 9. IC 3-14-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. A person who fraudulently causes a voter at an election to vote for a person different from the one the voter intended to vote for or on a public question different from the vote the voter intended to cast commits a ~~Class D~~ **Class C** felony.

SECTION 10. IC 3-14-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. A person who knowingly furnishes a voter who cannot read the English language with a ballot at an election that the person represents to the voter as containing a name different from the one printed or written on it commits a ~~Class D~~ **Class C** felony.

SECTION 11. IC 3-14-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. A person entrusted with the custody of ballots who knowingly:

(1) opens a package in which the ballots are contained;

(2) destroys a ballot; or

(3) delivers such a package or ballot to a person not entitled to

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1 receive it;
 2 commits a ~~Class D~~ **Class C** felony.

3 SECTION 12. IC 3-14-2-24, AS AMENDED BY P.L.103-2005,
 4 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2006]: Sec. 24. A person who **does any of the following**
 6 **commits a Class C felony:**

7 (1) Takes a ballot legally deposited out of a ballot box or out of a
 8 voting system for the purpose of destroying the ballot or
 9 substituting another ballot in its place.

10 (2) Destroys or misplaces a ballot with the intent to substitute
 11 another ballot for it or with the intent to prevent it from being
 12 counted. ~~or~~

13 (3) Knowingly enters upon the pollbooks the name of a person
 14 who has not legally voted or knowingly tallies a vote for a
 15 candidate or on a public question not voted for by the ballot.

16 ~~commits a Class D felony:~~

17 SECTION 13. IC 3-14-2-25 IS AMENDED TO READ AS
 18 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. A member of a
 19 precinct election board or county election board, a person employed at
 20 the central counting headquarters, or a person charged with a duty in
 21 connection with an election or entrusted with the custody or control of
 22 a ballot either before or after voting who marks or defaces a ballot for
 23 the purpose of:

24 (1) identifying the ballot (except by numbering protested ballots
 25 for future reference as provided by law); or

26 (2) vitiating the ballot;

27 commits a ~~Class D~~ **Class C** felony.

28 SECTION 14. IC 3-14-2-26, AS AMENDED BY P.L.103-2005,
 29 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2006]: Sec. 26. A person who **does any of the following**
 31 **commits a Class C felony:**

32 (1) During the progress of an election or within the time for
 33 preparation required under this title, knowingly breaks open or
 34 violates the seal or lock of a ballot box, envelope, container, bag,
 35 or voting system component in which ballots have been deposited.

36 (2) Knowingly obtains a ballot box, envelope, container, bag, or
 37 voting system component that contains ballots and cancels,
 38 withholds, or destroys a ballot.

39 (3) Knowingly increases or decreases the number of ballots
 40 legally deposited in a ballot box, envelope, container, bag, or
 41 voting system component. ~~or~~

42 (4) Knowingly makes a fraudulent erasure or alteration on a tally

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sheet, poll book, list of voters, or election return deposited in a ballot box, envelope, bag, or voting system component.

~~commits a Class D felony.~~

SECTION 15. IC 3-14-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. A precinct election officer at the close of the polls, an absentee ballot counter acting under IC 3-11.5-5 or IC 3-11.5-6, or a provisional ballot counter acting under IC 3-11.7-5 who knowingly:

(1) causes the vote to be incorrectly taken down for a candidate or public question; or

(2) makes a false statement, certificate, or return of any kind of that vote;

~~commits a Class D~~ **Class C** felony.

SECTION 16. IC 3-14-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. A person who:

(1) with intent to defraud, alters an election return;

(2) knowingly destroys, misplaces, or loses a pollbook or tally sheet; or

(3) with intent to defraud, alters the vote of a candidate or on a public question as returned by the county election board or its employees;

~~commits a Class D~~ **Class C** felony.

SECTION 17. IC 3-14-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. A member of a precinct election board, a precinct election officer, or a member of an absentee voter board who knowingly induces or persuades a voter to vote for a candidate or for or against a public question while acting as a board member or precinct election officer commits a ~~Class D~~ **Class C** felony.

SECTION 18. IC 3-14-3-19, AS AMENDED BY P.L.103-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. A person who, for the purpose of inducing or procuring another person to:

(1) apply for or cast an absentee ballot; or

(2) vote or refrain from voting for or against a candidate or for or against a public question at an election or political convention;

gives, offers, or promises to any person any money or other property commits a ~~Class D~~ **Class C** felony.

SECTION 19. IC 3-14-3-20, AS AMENDED BY P.L.103-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. A person who, for the purpose of inducing or procuring a voter to:

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1 (1) apply for or cast an absentee ballot; or
 2 (2) vote or refrain from voting for or against a candidate or for or
 3 against a public question at an election or political convention;
 4 receives, accepts, requests, or solicits from any person any money or
 5 other property commits a ~~Class D~~ **Class C** felony.

6 SECTION 20. IC 3-14-4-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. An inspector, or
 8 person acting in the inspector's behalf, who knowingly deposits:

9 (1) a ballot upon which the initials of the poll clerks or authorized
 10 assistant poll clerks do not appear; or

11 (2) a ballot on which appears externally a distinguishing mark or
 12 defacement;

13 commits a ~~Class D~~ **Class C** felony.

14 SECTION 21. IC 3-14-4-7 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A member of a
 16 precinct election board or a person otherwise entitled to the inspection
 17 of the ballots who knowingly:

18 (1) reveals to another person how a voter has voted; or

19 (2) gives information concerning the appearance of any ballot
 20 voted;

21 commits a ~~Class D~~ **Class C** felony.

22 SECTION 22. IC 3-14-4-8, AS AMENDED BY P.L.221-2005,
 23 SECTION 139, IS AMENDED TO READ AS FOLLOWS
 24 [EFFECTIVE JULY 1, 2006]: Sec. 8. A member of a precinct election
 25 board, an absentee ballot counter appointed under IC 3-11.5-4-22, or
 26 a provisional ballot counter appointed under IC 3-11.7-3 who
 27 knowingly:

28 (1) opens or marks, by folding or otherwise, a ballot presented by
 29 a voter, except as provided by law; or

30 (2) tries to find out how the voter voted before the ballot is
 31 deposited in the ballot box or cast on a ballot card voting system
 32 or an electronic voting system or counted by the absentee ballot
 33 counter;

34 commits a ~~Class D~~ **Class C** felony.

35 SECTION 23. IC 3-14-4-10, AS AMENDED BY P.L.221-2005,
 36 SECTION 140, IS AMENDED TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2006]: Sec. 10. A person who knowingly
 38 violates:

39 (1) IC 3-11.5-5;

40 (2) IC 3-11.5-6;

41 (3) IC 3-12-2-1;

42 (4) IC 3-12-3-14; or

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1 (5) IC 3-12-3.5-7;
2 by providing any other person with information concerning the number
3 of votes a candidate received for an office or cast to approve or reject
4 a public question on absentee ballots counted under IC 3-11.5-5,
5 IC 3-11.5-6, or IC 3-12 before the closing of the polls commits a ~~Class~~
6 **Class C** felony.

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